

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

TINA JOURNEY

Plaintiff,

v.

CIVIL ACTION NO. 3:04-0940

LAKIN CORRECTIONAL
FACILITY MEDICAL DEPARTMENT
and TAMMY LYNCH,

Defendants.


ORDER

This action was referred to the Honorable Maurice G. Taylor, Jr., United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Defendant Lakin Correctional Facility Medical Department's motion to dismiss be granted and that the complaint, insofar as it names Lakin Correctional Facility Medical Department as a defendant, be dismissed with prejudice. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** Defendant Lakin Correctional Facility Medical Department's motion to dismiss and **DISMISSES** the complaint, with prejudice, insofar as it names Lakin Correctional Facility Medical Department as a defendant, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Taylor, counsel of record, and any unrepresented parties.

ENTER: June 22, 2005

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE